

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	21 MC 97 (AKH)
IN RE SEPTEMBER 11 LITIGATION	:	
	:	
-----X	:	
	:	
IN RE SEPTEMBER 11 BUSINESS LOSS	:	21 MC 101 (AKH)
AND PROPERTY DAMAGE LITIGATION	:	
	:	
-----X	:	

**DECLARATION OF RICHARD A. WILLIAMSON  
IN OPPOSITION TO THE MOTION OF THE AVIATION DEFENDANTS  
FOR SO-CALLED “FOCUSED” DISCOVERY FROM THE GOVERNMENT**

RICHARD A. WILLIAMSON, an attorney admitted to practice law in the State of New York and before this Court, declares under the penalties of perjury that the following is true and correct, pursuant to 28 U.S.C. § 1746:

1. I am a member of the law firm Flemming Zulack Williamson Zauderer LLP. I submit this declaration on behalf of WTCP Cross-Claim Plaintiffs<sup>1</sup> and all other plaintiffs who have asserted wrongful death, bodily injury, property damage, or business interruption loss claims, among other claims, under the 21 MC 97 and/or the 21 MC 101 dockets (collectively “Plaintiffs”), in order to place certain documents before the Court that are relevant to Plaintiffs’ opposition to the motion of the Aviation Defendants for so-called “focused” discovery from the government.

2. Attached as **Exhibit 1** hereto is a true and correct copy of excerpts from the transcript of the March 22, 2007 status conference in this consolidated case.

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<sup>1</sup> World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 4 World Trade Center LLC, 5 World Trade Center LLC, and 7 World Trade Company, L.P.

3. Attached as **Exhibit 2** hereto is a true and correct copy of a May 10, 2007 letter from Marc S. Moller, Esq., to Desmond T. Barry, Jr., Esq., requesting the identities of the government witnesses that the Aviation Defendants wish to depose.

4. Attached as **Exhibit 3** hereto is a true and correct copy of a May 15, 2007 letter from Desmond T. Barry, Esq., to Marc S. Moller, Esq., concerning depositions of government employees.

5. Attached as **Exhibit 4** hereto is a true and correct copy of excerpts from the WTCP Cross-Claim Plaintiffs' January 4, 2006 Response to the Aviation Defendants' Second Set of Interrogatories to 21 MC 97 Plaintiffs and Cross-Claim Plaintiffs.

6. Attached as **Exhibit 5** hereto is a true and correct copy of excerpts from the Amended Cross-Claims by the WTCP Entities Against Certain Defendants in Plaintiffs' Amended Flight 11 Master Liability Complaint.

7. Attached as **Exhibit 6** hereto is a true and correct copy of excerpts from the Cross-Claims by the WTCP Entities Against Certain Defendants in Plaintiffs' Amended Flight 175 Master Liability Complaint.

8. Attached as **Exhibit 7** hereto is a true and correct copy of excerpts from the Fifth Amended Master Property Complaint Against Airline and Security Company Defendants.

9. Attached as **Exhibit 8** hereto is a true and correct copy of excerpts from Plaintiffs' Amended Flight 175 Master Liability Complaint.

10. Attached as **Exhibit 9** hereto is a true and correct copy of excerpts from Plaintiffs' Flight 77 Master Liability Complaint.

11. Attached as **Exhibit 10** hereto is a true and correct copy of excerpts from Plaintiffs' Flight 93 Master Liability Complaint.

12. Attached as **Exhibit 11** hereto is a true and correct copy of excerpts from Plaintiffs' Amended Flight 11 Master Liability Complaint.

13. Attached as **Exhibit 12** hereto is a true and correct copy of excerpts from the transcript from the February 26, 2007 oral argument on the WTCP Cross-Claim Plaintiffs' Motion for a Protective Order.

14. Attached as **Exhibit 13** hereto is a true and correct copy of an excerpt from *The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks Upon the United States*.

15. Attached as **Exhibit 14** hereto is a true and correct copy of Case Management Order No. 3, from in *In re World Trade Center Disaster Site Litig.*, No. 21 MC 100.

16. Attached as **Exhibit 15** hereto is a true and correct copy of excerpts from the transcript of the April 18, 2005 court conference in *In re World Trade Center Disaster Site Litig.*, No. 21 MC 100.

17. Attached as **Exhibit 16** hereto is a true and correct copy of excerpts from the March 21, 2006 trial transcript in *United States v. Moussaoui*, No. 1:01cr455 (E.D. Va.).

18. Attached as **Exhibit 17** hereto is a true and correct copy of letters dated March 13, 2006 from Assistant United States Attorney David J. Novak to the Honorable Leonie M. Brinkema and Edward B. MacMahon, Jr., Esq., enclosing and chain of emails among Carla Martin, Esq. (TSA attorney who had appeared in this Court in these actions) and others including descriptions of discussions with her friends Jeffrey Ellis, Esq. (United's counsel in these actions) and Christopher Christensen, Esq. (American Airlines' counsel in these actions).

19. Attached as **Exhibit 18** hereto is a true and correct copy of a May 7, 2007 letter from Roger E. Podesta, Esq., to Assistant United States Attorney Jeannette A. Vargas, concerning government discovery.

20. Attached as **Exhibit 19** hereto is a true and correct copy of an excerpt of an October 30, 2000 U.S. Department of Transportation/Federal Aviation Administration (“FAA”) Memorandum regarding: “Action: Worldwide Threat Questions and Answers.”

21. Attached as **Exhibit 20** hereto is a true and correct copy of “The Transnational Threat to Civil Aviation” PowerPoint presentation by the Office of Civil Aviation Security Intelligence of the Federal Aviation Administration, current “as of September 2000.”

22. Attached as **Exhibit 21** hereto is a true and correct copy of an excerpt of United Airlines’ Air Carrier Standard Security Program (ACSSP), “ACSSP As Of 9/11/01”.

23. Attached as **Exhibit 22** hereto is a true and correct copy of Civil Aviation Security Directive Number SD 108-98-02G, dated July 27, 2001, regarding “Threat to Air Carriers”, stating that AVSEC Alert Level III remains in effect.

24. Attached as **Exhibit 23** hereto is a true and correct copy of a dated July 14, 2006 subpoena for testimony and documents, served upon the Federal Aviation Administration (“FAA”) by the Aviation Defendants.

25. Attached as **Exhibit 24** hereto is a true and correct copy of a July 28, 2006 letter from U.S. Department of Justice Trial Attorney Jeffrey M. Smith to Desmond T. Barry, Jr., Esq., concerning the subpoena served by the Aviation Defendants upon the FAA.

26. Attached as **Exhibit 25** hereto is a true and correct copy of an April 10, 2007 letter from Assistant United States Attorney Sarah S. Normand to the Court, concerning

Plaintiffs' motion for a protective order with respect to the Rule 30(b)(6) deposition of FAA employee.

27. Attached as **Exhibit 26** hereto is a true and correct copy of a March 21, 2007 letter from Assistant United States Attorney Beth Goldman to the Court, concerning government discovery.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: May 25, 2007

s/Richard A. Williamson  
RICHARD A. WILLIAMSON